

REMARKS

Claim Amendments and New Claims 19-32

Support for the claim amendments and new Claims 19-34 is found throughout the specification. For example, support for amended Claim 8 and new Claims 19 and 20 is found in original Claim 8; support for new Claims 21 and 22 is found in original Claims 8 and 12; support for amended Claim 13 and new Claims 23 and 24 is found in original Claims 8, 12 and 13; support for amended Claim 14 and new Claims 25 and 26 is found in original Claims 8, 12 and 14; support for new Claims 27 and 28 is found in original Claims 8 and 15; support for amended Claim 16 and new Claims 29 and 30 is found in original Claims 8, 15 and 16; support for new Claims 31 and 32 is found in original Claims 8, 12 and 17; support for new Claims 33 and 34 is found in original Claims 8, 12, 17 and 18. No new matter has been added by the claim amendments or by new Claims 19-34.

Declaration of Tomoyuki Tokunaga

Submitted herewith is a Declaration of Tomoyuki Tokunaga in which Dr. Tokunaga declares that the Tadashi Furusawa *et al.* abstract (Furusawa, T. et al., "Estimation of Pluripotency of Mouse Embryonic Stem Cells By Flowcytometry", *The 25th Annual Meeting of the Molecular Biology Society of Japan*, p. 626, Abstract 1P-1224 (December 2002); Reference AR on Form PTO-1449, filed concurrently herewith), which names him as a co-author, describes work that was the joint contribution of the present inventors (i.e., the joint contribution of Tomoyuki Tokunaga, Tadashi Furusawa, Chris Honda and Katsuhiko Ohkoshi). Dr. Tokunaga also declares that co-authors Misa Hosoe, Takuro Horii, Fumio Ike and Seiya Takahashi were merely working under the direction of the inventors (i.e., under the direction of Tomoyuki Tokunaga, Tadashi Furusawa, Chris Honda and Katsuhiko Ohkoshi) providing technical assistance. Dr. Tokunaga further states that co-authors Misa Hosoe, Takuro Horii, Fumio Ike and Seiya Takahashi did not contribute to the conception and/or reduction to practice of the invention disclosed and claimed in the referenced application. In view of this Declaration, and consistent with the holding of In re Katz, 215 U.S.P.Q. 14 (CCPA 1982), the Furusawa *et al.* abstract,

which was published less than one year before the application filing date of the subject application, is not prior art under 35 U.S.C. § 102.

Respectfully submitted,

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